### JUDICIAL MERIT SELECTION COMMISSION PERSONAL DATA QUESTIONNAIRE

Court, Position, and Seat # for which you are applying: Judge for the Thirteenth Judicial Circuit, Seat 1

1. NAME: Mr. George Edward Welmaker

BUSINESS ADDRESS: Post Office Box 899

Pickens, South Carolina 29671

E-MAIL ADDRESS:

gwelmakerj@sccourts.org

TELEPHONE NUMBER: (c

(office): (864) 898-5790

2. Date of Birth:

1945

Place of Birth:

Greenville, South Carolina

3. Are you a citizen of South Carolina? Yes.

Have you been a resident of this state for at least the immediate past five years? Yes.

- 5. Family Status: Married on August 11, 1968, to Barbara Jean Edmonds Welmaker. Never divorced. Two children.
- 6. Have you served in the military?

United States Air Force - Lieutenant Colonel - XXX-XX-XXXX

Retired - Honorable Discharge

Active Duty: December, 1970 - September 1974;

Active Reserve: September, 1974 - June, 1996.

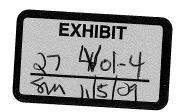
- 7. List each college and law school you attended, including the dates of your attendance, the degrees you received, and if you left an institution without receiving a degree, the reason for your departure.
  - (a) University of South Carolina, 1964-68 Bachelor of Arts 1968-70 Juris Doctor (Combined degree program)
  - (b) Clemson University Summer School, 1966
- 8. List the states in which you have been admitted to practice law and the year of each admission. Also list any states in which you took the bar exam but were never admitted to the practice of law. If you took the bar exam more than once in any of the states listed, please indicate the number of times you took the exam in each state.

South Carolina, 1970

9. List the significant activities in which you took part during your attendance at college, graduate, and law school. Give the dates you were involved in these activities and list any leadership positions you held.

Self-supported, resulting in activities being work-related.

- (a) 1968-70: Conducted planning studies for South Carolina municipalities through Governor's Office and State Development Board
- (b) 1966-69: Page, South Carolina House of Representatives
- (c) 1970: Head Page, South Carolina House of Representatives



10. Describe your continuing legal or judicial education during the past five years. Include only the title and date of any continuing legal or judicial education course completed. .

erence/CLE Name	<u>Date(s)</u>		
Spring Judicial Conference	May 6, 2009;		
24th Annual Criminal Law Update	January 23, 2009;		
7th Annual Civil Law Update	January 23, 2009;		
2008 Annual Judicial Conference	August 20, 2008;		
Spring Judicial Conference	May 14, 2008;		
23rd Annual Criminal Law Update	January 25, 2008;		
6th Annual Civil Law Update	January 25, 2008;		
2007 Annual Judicial Conference	August 22, 2007;		
Spring Judicial Conference	May 16, 2007;		
22nd Annual Criminal Law Update	January 26, 2007;		
5th Annual Civil Law Update	January 26, 2007;		
2006 Annual Judicial Conference	August 23, 2006;		
Spring Judicial Conference	May 5, 2006;		
21st Annual Criminal Law Update	January 27, 2006;		
4th Annual Civil Law Update	January 27, 2006;		
2005 Annual Judicial Conference	August 24, 2005;		
Spring Judicial Conference	May 11-13, 2005;		
20th Annual Criminal Law Update	January 21, 2005;		
3rd Annual Civil Law Update	January 21, 2005;		
Seminar for Chief Judges	December 10, 2004;		
2004 Annual Judicial Conference	August 19, 2004;		
Judicial Oath of Office	August 19, 2004;		
2004 Orientation School for Judges	July 12, 2004;		
Breakfast Ethics Seminar	January 25, 2004;		
Torts & Insurance Practices	January 24, 2004;		
19th Annual Criminal Law Update	January 23, 2004.		
	Spring Judicial Conference 24th Annual Criminal Law Update 7th Annual Civil Law Update 2008 Annual Judicial Conference Spring Judicial Conference 23rd Annual Criminal Law Update 6th Annual Civil Law Update 2007 Annual Judicial Conference Spring Judicial Conference 22nd Annual Criminal Law Update 5th Annual Civil Law Update 2006 Annual Judicial Conference Spring Judicial Conference 21st Annual Criminal Law Update 4th Annual Civil Law Update 2005 Annual Judicial Conference Spring Judicial Conference 20th Annual Criminal Law Update 3rd Annual Criminal Law Update 3rd Annual Criminal Law Update Seminar for Chief Judges 2004 Annual Judicial Conference Judicial Oath of Office 2004 Orientation School for Judges Breakfast Ethics Seminar Torts & Insurance Practices		

- 11. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs?
  - (a) Taught criminal law through Louisiana College, 1973-74;
  - (b) Coordinated seminar for, and lectured to, active duty JAG officers at Shaw Air Force Base as to South Carolina estate law;
  - (c) Participated in legal seminar for attorneys of the 13th Judicial Circuit Solicitor's Office;
  - (d) In September 2008, participated in the National Business Institute's Civil Court Judicial Forum, "What Civil Court Judges Want You to Know," a state-wide CLE.
- 12. List all published books and articles you have written and give citations and the dates of publication for each. None.

13. List all courts in which you have been admitted to practice and list the dates of your admission. Give the same information for administrative bodies that require a special admission to practice.

(a)	South Carolina Supreme Court	September 25, 1970
(b)	Western Federal District Court of Louisiana	February 24, 1971
(c)	United States Court of Military Appeals	May 21, 1971
(d)	Federal District Court of South Carolina	October 22, 1974
(e)	Fourth Circuit Court of Appeals	December 10, 1982
(f)	United States Supreme Court	September 13, 1985

14. Describe chronologically your legal experience since graduation from law school and include a list of all law firms with which you have been associated. Describe the general character of your practice and divide it into periods with dates if its character has changed over the years.

Upon graduation from the University of South Carolina School of Law and admission to the South Carolina Bar, I went into the United States Air Force in December, 1970, as a Judge Advocate General (JAG).

While on active duty, I performed numerous duties, including prosecution and defense of courts martial; conducting various administrative hearings, such as discharge boards, accident investigation, and medical disability; giving advice to base commander; participating in formal labor union negotiations; handing Federal Tort Claims Act suits; and, handling other various responsibilities.

I attended a number of legal schools for specific training. While on active duty in Louisiana, I taught criminal law and criminal procedure in the Louisiana College night school.

After separating from active duty with the Air Force in 1974, I remained in the active reserves, serving as a JAG officer at Shaw Air Force Base in Sumter, South Carolina, until retirement in 1996. Similar duties were performed there, and additional training given.

On September 16, 1974, Henry F. Floyd and I hung a shingle in Pickens, South Carolina, maintaining a general law practice in a small town. In 1978, the law firm merged with William G. Acker and Kenneth D. Acker to form Acker, Acker, Floyd & Welmaker. (Through additions and departures, the firm continued as Acker, Welmaker & Allison until my election to the bench.)

In the almost three decades of private practice in Pickens, the clientele remained varied. Generally the type of legal work I did can be divided into three segments of equal duration, although not without overlaps.

At first, most of my legal works involved criminal defense, family court, wills and estates, workers' compensation (for both claimants and employers), social security disability claims, plaintiff cases, and real estate closings.

During the second decade, my focus was more on civil trials—mostly defense work. In one of those years, I tried over two dozen cases before juries.

The final few years also involved governmental work, including representation of a municipality and the county. Often that representation would require prosecution of cases in the summary courts, and handling appeals to the South Carolina Supreme Court and Court of Appeals.

Throughout the years, there was representation of an electric cooperative, and JAG duties with the Air Force. No one could have been more blessed than I with good clients during the course of a very enjoyable career as a lawyer.

- 15. What is your rating in Martindale-Hubbell?
  - My last available rating was AV.
- 22. Have you ever held judicial office? If so, list the periods of your service, the courts involved, and whether you were elected or appointed. Describe the jurisdiction of each of the courts and note any limitations on the jurisdiction of each court.

I was elected Resident Judge of the Thirteenth Judicial Circuit, Seat 1, on February 4, 2004. I have served continuously since my term began, March 1, 2004.

- 23. If the answer to question 22 is yes, describe or list five of your most significant orders or opinions and give the citations if they were reported. Also list citations to any appellate review of these orders or opinions.
  - (a) State v. Laney was a death penalty case remanded by the South Carolina Supreme Court, 367 S.C. 639, 627 S.E.2d 726 (2006), and assigned to me. The primary issue in this case was the application of new standards set by the United States Supreme Court in Atkins v. Virginia, 536 U.S. 304, 122 S.Ct. 2242, 153 L.Ed.2d 335 (2002), in which that Court ruled the execution of a person with mental retardation is cruel and unusual punishment under the Eighth Amendment to the United States Constitution. I held numerous hearings, with various expert witnesses, to determine the Defendant's mental capacity. After qualification of the jury venire, a plea to life imprisonment was entered.
  - (b) State v. Paige was a murder case affirmed by the South Carolina Court of Appeals, 375 S.C. 643, 654 S.E.2d 300 (2007). This trial brought into issue the balance between a defendant's Sixth Amendment right to a fair trial and a spectator's right to an open and public court. The South Carolina Court of Appeals affirmed my decision as trial judge, whereby I allowed non-testifying family members to wear photo buttons of the deceased victim, under specific guidelines designed to prevent undue prejudice to the jury.
  - (c) State v. Caldwell, 378 S.C. 268, 662 S.E.2d 474, (2008), a peeping tom case, involved three young victims. A prosecution witness's testimony caused my declaration of a mistrial. The subsequent retrial, of which I was again trial judge, resulted in convictions by a jury. The case presented several procedural and evidentiary issues. The South Carolina Court of Appeals agreed that the charges did not require

- severance, upheld the identification testimony, and affirmed my interpretation as trial judge of the statute in question, S.C. Code Ann. § 16-17-470(A) (2003).
- (d) State v. Hill, 382 S.C. 360, 675 S.E.2d 764, (2009), involved a lengthy double-murder trial. A primary issue in the case required adherence to the Fifth and Sixth Amendments to the United States Constitution. One of the State's witnesses invoked his Fifth Amendment right to not testify, resulting in the Defendant's assertion that his Sixth Amendment right of confrontation was denied. I determined this testimony to be collateral to the issues before the jury, overruling the Defendant's objection. The Court of Appeals agreed. The Defendant also asserted that the jury must be instructed that an adverse inference may be made from a witness's claim of silence under the Fifth Amendment. Again, the Court of Appeals found no error in my declining to so charge.
- (e) State v. Alley, 2007 UP 559 (2007). An unpublished opinion, this case is nevertheless significant because of the Court of Appeals' interpretation of an older South Carolina case [State v. Worthy, 239 SC 449, 123 S.E.2d 835 (1962)], in light of the more recent adoption of the South Carolina Rules of Evidence. The Court found Worthy still to be "good law" and upheld allowing an eyewitness to testify as to a conversation with the Defendant, even though there was a tape recording also made.
- 24. Have you ever held public office other than judicial office? Also, state whether or not you have timely filed your report with the State Ethics Commission during the period you held public office. If not, were you ever subject to a penalty? No.
- 25. List all employment you had while serving as a judge (whether full-time or parttime, contractual or at will, consulting or otherwise) other than elected judicial office. Specify your dates of employment, employer, major job responsibilities, and supervisor. None.
- 26. Have you ever been an unsuccessful candidate for elective, judicial, or other public office? No.
- 27. Have you ever been engaged in any occupation, business, or profession other than the practice of law, teaching of law, or holding judicial or other public office? No.
- 28. Are you now an officer or director or involved in the management of any business enterprise? No.
- 29. A complete, current financial net worth statement was provided to the Commission.
- 30. Describe any financial arrangements or business relationships you have, or have had in the past, that could constitute or result in a possible conflict of interest in the position you seek. Explain how you would resolve any potential conflict of interest. None.

- 31. Have you ever been arrested, charged, or held by federal, state, or other law enforcement authorities for violation or for suspicion of violation of any federal law or regulation, state law or regulation, or county or municipal law, regulation, or ordinance, or any other law, including another country's law? No.
- 32. Have you, to your knowledge, ever been under federal, state, or local investigation for possible violation of a criminal statute? No.
- 33. Has a tax lien or other collection procedure ever been instituted against you by federal, state, or local authorities? Have you ever defaulted on a student loan? Have you ever filed for bankruptcy? No.
- 34. Have you ever been sued, either personally or professionally, that is, have you ever been named as defendant or respondent in any court of law? No.
- 36. Are you now or have you ever been employed as a "lobbyist," as defined by S.C. Code § 2-17-10(13), or have you acted in the capacity of a "lobbyist's principal," as defined by S.C. Code § 2-17-10(14)? No.
- 37. Since filing with the Commission your letter of intent to run for judicial office, have you accepted lodging, transportation, entertainment, food, meals, beverages, money, or any other thing of value as defined by S.C. Code § 2-17-10(1) from a lobbyist or lobbyist's principal? No.
- 38. S.C. Code § 8-13-700 provides, in part, that "[n]o public official, public member, or public employee may knowingly use his official office, membership, or employment to obtain an economic interest for himself, a member of his immediate family, an individual with whom he is associated, or a business with which he is associated." Please detail any knowledge you have of any formal charges or informal allegations against you or any other candidate for violations of these provisions. None.
- 39. S.C. Code § 8-13-765 provides, in part, that "[n]o person may use government personnel, equipment, materials, or an office building in an election campaign." Please detail any knowledge you have of any formal charges or informal allegations against you or any other candidate for violations of these provisions. None.
- 40. Itemize (by amount, type, and date) all expenditures, other than those for travel and room and board, made by you, or on your behalf in furtherance of your candidacy for the position you seek. None.
- 41. List the amount and recipient of all contributions made by you or on your behalf to members of the General Assembly since the announcement of your intent to seek election to a judgeship. None.
- 42. Have you directly or indirectly requested the pledge of any member of the General Assembly as to your election for the position for which you are being screened? Have you received the assurance of any public official or public employee that they will seek the pledge of any member of the General Assembly as to your election for the position for which you are being screened? No.

- 43. Have you requested a friend or colleague to contact members of the General Assembly on your behalf? Are you aware of any friends or colleagues contacting members of the General Assembly on your behalf? No.
- 44. Have you or has anyone acting on your behalf solicited or collected funds to aid in the promotion of your candidacy? No.
- 45. Have you or has anyone acting on your behalf contacted members of the Judicial Merit Selection Commission about your candidacy or intention to become a candidate? No.
- 46. List all bar associations and professional organizations of which you are a member and give the titles and dates of any offices you have held in such groups.

South Carolina Bar

- 47. List all civic, charitable, educational, social, and fraternal organizations of which you are or have been a member during the past five years and include any offices held in such a group, any professional honors, awards, or other forms of recognition received and not listed elsewhere. None.
- 48. Provide any other information that may reflect positively or negatively on your candidacy, or which you believe should be disclosed in connection with consideration of you for nomination for the position you seek.

Over the years I have participated in and led a number of civic organizations. In 1980, I was an organizer and initial member of the Board of Directors for Pickens County Meals on Wheels. I served on the Pickens County Alcohol and Drug Abuse Commission for over ten years. I was a member of the Easley Lions Club and served as president. I've been a trustee for the Connie Maxwell Children's Home as well as for Anderson University.

As an attorney, I was an active member of the South Carolina Bar Professional Responsibility Committee during the time period that a draft of the Revised Rules of Professional Conduct were discussed and presented. I was elected to the House of Delegates for the Thirteenth Judicial Circuit, serving from 1986 to 1995. I served on the Grievance Commission from 1992 until 1996.

On July 21, 2006, I was appointed by the Chief Justice of the South Carolina Supreme Court to serve as a member of the Advisory Committee on the Commission on Standards of Judicial Conduct. I have served continuously since.

I believe these activities in the civic, religious, and professional arenas have prepared me well to serve in the capacity of a circuit court judge.

#### 49. References:

- (a) Honorable Larry D. Bagwell Mayor of the City of Easley Post Office Box 466 Easley, SC 29641-0466 (864) 855-7900
- (b) Mrs. Ann G. Black, MEd., NCSP

**Retired Educator** 610 Wexford Way Easley, SC 29642 (864) 306-2833

- (c) Charles E. Dalton President and CEO Blue Ridge Electric Cooperative, Inc. Post Office Box 277 Pickens, SC 29671 (864) 878-6326
- (d) Mrs. Sallie C. Smith Clerk of Court, Retired, Oconee County Post Office Box 678 Walhalla, SC 29691 (864) 638-4280
- (e) Bart A. Turner The Peoples National Bank Post Office Box 406 Pickens, SC 29671 (864) 878-8191

YOUR SIGNATURE WILL BE HELD TO CONSTITUTE A WAIVER OF THE CONFIDENTIALITY OF ANY PROCEEDING BEFORE A GRIEVANCE COMMITTEE OR ANY INFORMATION CONCERNING YOUR CREDIT.

I HEREBY CERTIFY THAT MY ANSWERS ARE TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

Signature: G. Edward Welmaker

Date:

July 28, 2009

# JUDICIAL MERIT SELECTION COMMISSION Sworn Statement to be included in Transcript of Public Hearings

## Circuit Court (Incumbent)

Full Name:

George Edward Welmaker

**Business Address:** 

Post Office Box 899

Pickens, South Carolina 29671

Business Telephone:

(864) 898-5790

- 1. Why do you want to serve another term as a Circuit Court Judge? For over 40 years now, law has been my calling. As much as I loved the practice of law, being a member of the judiciary has added a new and fulfilling dimension for me. While a very sobering task, wearing the judicial robe provides me a wonderful opportunity to continue participating in the administration of justice in South Carolina.
- 2. Do you plan to serve your full term if re-elected? Yes.
- 3. Do you have any plans to return to private practice one day? No.
- 4. Have you met the Constitutional requirements for this position regarding age, residence, and years of practice? Yes.
- 5. What is your philosophy regarding ex parte communications? Are there circumstances under which you could envision ex parte communications being tolerated?
  - The integrity of the judiciary demands that *ex parte* communications not be tolerated. The only exceptions would be under applicable statutory law and procedural rules.
- 6. What is your philosophy on recusal, especially in situations in which lawyer-legislators, former associates, or law partners are to appear before you?
  - If the attorneys and litigants were not aware of my former association with another attorney, that fact would be disclosed to all parties. I would not hear any matter that a former partner or associate had pending while we were together. As far as appearances before me by lawyer-legislators, I would make any rulings and decisions fairly and in light of the law and evidence, and grant a motion for recusal if specific reasons were set forth, unique from merely the attorney being in the legislature.
- 7. If you disclosed something that had the appearance of bias, but you believed it would not actually prejudice your impartiality, what deference would you give a party that requested your recusal? Would you grant such a motion?
  - I believe that it must not only be right, but look right also. If a party truly believes that, because of an "appearance" of bias, a fair trial is unlikely, I would grant a motion for recusal.

- 8. How would you handle the appearance of impropriety because of the financial or social involvement of your spouse or a close relative? If the appearance of impropriety is present, recusal is necessary.
- 9. What standards have you set for yourself regarding the acceptance of gifts or social hospitality? No gifts or social hospitality would be accepted except from family, close personal friends, bar association functions, or as permitted by the Code of Judicial Conduct.
- 10. How would you handle a situation in which you became aware of misconduct of a lawyer or of a fellow judge? If the actions rise to the level of professional misconduct, reporting to the appropriate professional authority is in order. Short of that degree of misconduct, I would confront the offending attorney or fellow judge to seek correction.
- 11. Are you affiliated with any political parties, boards or commissions that, if you were re-elected, would need to be re-evaluated? No.
- 12. Do you have any business activities that you would envision remaining involved with if reelected to the bench? No.
- 13. How do you handle the drafting of orders?

  My practice has been a mixture of preparing orders myself; having each side prepare proposed orders; and, having the attorney on the prevailing side prepare an order in line with the evidentiary findings and legal principles I set forth. In all cases, both sides are informed of my decision and instructions. Absent time restraints, my preference is to prepare my own orders.
- 14. What methods do you use to ensure that you and your staff meet deadlines? Suspense times are synchronized among all staff members—judge, administrative assistant, and law clerk. Both paper calendars and computer programs are utilized, with notations of warning thereon a few days prior to the deadline.
- 15. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy?

  High school civics class taught me about the separations of power in our government. The tenet has been reaffirmed since then. Laws are enacted by the legislative body, enforced by the executive branch, and interpreted by the judiciary. That is the method that works best.
- 16. Canon 4 allows a judge to engage in activities to improve the law, legal system, and administration of justice. What activities do you plan to undertake to further this improvement of the legal system? I love teaching teenagers and young people, be it in Sunday school, public school programs, the Judicial Observation and Experience Program, judging college moot court competitions, or one on one. Living in a relatively small community, I always try to be available to

- assist governmental bodies with oaths for its members, and take every opportunity to explain the function of the legal system.
- 17. Do you feel that the pressure of serving as a judge strains personal relationships (i.e. spouse, children, friends, or relatives)? How do you address this?
  - I am blessed with a wife of 41 years who was extremely understanding of my career as an attorney. She accepted my strict rule of personal confidentiality of office files, and tolerated well my tunnel vision while involved in a trial. The pressures of a judgeship have thus far not affected her unconditional love, and I would not expect any impairment of our close relationship in the next term.
- 18. The following list contains five categories of offenders that would perhaps regularly appear in your court. Discuss your philosophy on sentencing for these classes of offenders.
  - a. Repeat offenders:
  - b. Juveniles (that have been waived to the circuit court):
  - c. White collar criminals:
  - d. Defendants with a socially and/or economically disadvantaged background:
  - e. Elderly defendants or those with some infirmity:

Most everyone charged with a crime will have present some enhancing or mitigating factors such as those listed. By the same token, the victims of crime often experience unique circumstances. Before sentencing anyone convicted of a crime, I would balance all of these matters to determine the fairest possible sentence for justice to be served.

- 19. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality? No.
- 20. Would you hear a case where you or a member of your family held a de minimis financial interest in a party involved?

  After full disclosure to the parties, and no objection is made, I would try a case where the de minimis financial interest was truly insignificant, such as being a taxpayer to a government party, or a depositor in a bank. However, if there was an appearance of impropriety, even with a de minimis interest, recusal is in order.
- 21. Do you belong to any organizations that discriminate based on race, religion, or gender? No.
- 22. Have you met the mandatory minimum hours requirement for continuing legal education courses? Yes.
- 23. What do you feel is the appropriate demeanor for a judge?

  A judge should treat all parties, attorneys, and court personnel with dignity and courtesy.

- 24. Do the rules that you expressed in your previous answer apply only while you are on the bench or in chambers, or do these rules apply seven days a week, twenty-four hours a day?

  Both. Once elected as a judge, one must be cognizant that the position is represented by that person at all times. Character, integrity, and good behavior should be consistent, whether or not a robe is worn.
- 25. Do you feel that it is ever appropriate to be angry with a member of the public, especially with a criminal defendant? Is anger ever appropriate in dealing with attorneys or a pro se litigant? It is important that proper decorum be maintained in the courtroom. This can best be accomplished when everyone shows respect. The judge sets the tone by firmness and fairness, without resorting to outbursts of anger.
- 26. How much money have you spent on your campaign? If it is over \$100, has that amount been reported to the House and Senate Ethics Committees? None.
- While campaigning for this office, have you used judicial letterhead or the services of your staff for your campaign?No. However, my administrative assistant did type my notes for the application due to my limited typing skills.
- 28. Have you sought or received the pledge of any legislator prior to this date? No.
- 29. Have you sought or been offered a conditional pledge of support by any legislator pending the outcome of your screening? No.
- 30. Have you asked any third parties to contact members of the General Assembly on your behalf before the final and formal screening report has been released? Are you aware of any friends or colleagues contacting members of the General Assembly on your behalf? No.
- 31. Have you contacted any members of the Judicial Merit Selection Commission? No.
- 32. Are you familiar with the 48-hour rule, which prohibits a candidate from seeking pledges for 48 hours after the draft report has been submitted? Yes.

I HEREBY CERTIFY THAT THE ANSWERS TO THE ABOVE QUESTIONS ARE TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE. s/ George E. Welmaker Sworn to before me this 28<sup>th</sup> day of July, 2009.

Notary Public for South Carolina

B #	·		04 00 0040	
Wy	commission	expires:	01-22-2019	



#### State of South Carolina The Circuit Court of the Thirteenth Judicial Circuit

G. Edward Welmaker Judge

Post Office Box 899 Pickens, SC 29671 Phone: (864) 898-5790 Fax: (864) 898-5792 gwelmakerj@sccourts.org

October 9, 2009

Jane O. Shuler Chief Counsel Judicial Merit Selection Commission Post Office Box 142 Colúmbia, SC 29202

Ms. Shuler:

You brought to my attention that you discovered some indication of a lawsuit against me, contrary to my response to question 34 of my Judicial Merit Selection Commission Personal Data Questionnaire.

Based upon the information you provided to me at my interview, it appears this notation relates to a Carolina Investors, Inc. lawsuit filed a few years ago. There were thousands of investors, and suit was brought in order to bring closure to the tragic loss. I was one of those who had a small, sentimental investment in the company. I assume that is the reason I was a named defendant. I don't remember being served, but I very well may have been.

I trust this clarifies your inquiry.

Sincerely,

G. Edward Welmaker